DOCKET NO. D-2004-028 CP-2

DELAWARE RIVER BASIN COMMISSION

Discharge to a Tributary of Special Protection Waters

New York City Department of Environmental Protection
Port Jervis Wastewater Treatment Plant
City of Port Jervis, Orange County, New York

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by the New York City Department of Environmental Protection (NYCDEP or docket holder) on May 10, 2010 (Application), for review of upgrades to an existing wastewater treatment plant (WWTP). The Application was amended on April 30, 2012. State Pollutant Discharge Elimination System (SPDES) Permit No. NY0026522 for this project was approved by the New York State Department of Environmental Conservation (NYSDEC) on April 16, 2007. The NYSDEC is expected to issue renewal of the SPDES Permit shortly after Commission approval of this docket.

The Application was reviewed for continuation of the project in the Comprehensive Plan and approval under Section 3.8 of the *Delaware River Basin Compact*. The Orange County Planning Department has been notified of pending action. A public hearing on this project was held by the DRBC on December 5, 2012.

A. DESCRIPTION

1. Purpose. The purpose of this docket is to renew approval of the existing 2.5 million gallons per day (mgd) Port Jervis WWTP discharge and to approve upgrades to the WWTP that are designed to satisfy the DRBC's no measurable change (NMC) to existing water quality (EWQ) requirement for WWTPs in Special Protection Waters (SPW). The upgrades include modifications to the existing trickling filters, rehabilitation of the secondary settling tanks, and construction of a denitrification filter system as well as an intermediary pump station and meet the Commission's definition of substantial alterations or additions under Section 3.10.3A.2.a.16) of the Commission's *Water Quality Regulations* (*WQR*). The docket holder is currently performing an evaluation to determine the potential benefits to the WWTP should construction of a sludge dewatering system be performed. Lastly, the docket holder will also be performing "floodproofing" improvements on the entire WWTP and will either upgrade/raise the chlorine contact tanks or construct a new ultraviolet disinfection system.

2. **Location**. The existing 2.5 mgd WWTP will continue to discharge to River Mile 253.64 – 0.82 (Delaware River – Neversink River) via Outfall No. 001 in the drainage area to the Middle Delaware SPW area. The project is located in the City of Port Jervis, Orange County, New York as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	41° 21' 44"	74° 40' 55"

3. **Area Served**. The existing WWTP will continue to serve the City of Port Jervis, Orange County, New York only. For the purpose of defining the Area Served, Section B (Type of Discharge) and D (Service Area) of the docket holder's Application are incorporated herein by reference, to the extent consistent with all other conditions contained in the DECISION Section of this docket.

4. **Physical Features**.

a. **Design Criteria**. The docket holder proposes to upgrade the existing 2.5 mgd Port Jervis WWTP. Upgrades include modifications to the existing trickling filters, rehabilitation of the secondary settling tanks, and construction of a denitrification filter system as well as an intermediary pump station. The docket holder is currently performing an evaluation to determine the potential benefits to the WWTP should construction of a sludge dewatering system be performed. Lastly, the docket holder will also be performing flood-proofing improvements on the entire WWTP and will either upgrade/raise the chlorine contact tanks or construct a new ultraviolet disinfection system.

This is the second phase of the WWTP's upgrade. The first phase was approved by the Commission via Docket No. D-2004-28 CP-1 on October 27, 2004 and included the replacement of Imhoff tanks with new primary sedimentation tanks, sludge thickening tanks, sludge holding tanks, and biofiltration for odor control facilities.

b. **Facilities**. The existing Port Jervis WWTP consists of two influent/recycled wastewater mixing tanks, a fine-screen unit, two primary settling tanks, a primary trickling filter, a secondary trickling filter, two final settling tanks, two sludge thickening tanks, one sludge holding tank, and two chlorine contact tanks.

The upgraded WWTP will consist of two influent/recycled wastewater mixing tanks, a fine-screen unit, two primary settling tanks, a primary trickling filter, a secondary trickling filter, two final settling tanks, four denitrification units, two sludge thickening tanks, one sludge holding tank, and either two chlorine contact tanks or ultraviolet disinfection units.

In conjunction with the first phase of the project, the overall upgrade represents substantial alterations or additions as defined in the Commission's *WQR*.

The docket holder's wastewater treatment facility discharges to waters classified as SPW and is required to have available emergency power. The docket holder installed a 600

kVA backup generator as part of the WWTP modifications approved in Docket No. D-2004-28 CP-1 that is capable of providing emergency power to the entire WWTP. (SPW)

The docket holder's wastewater treatment facility is not staffed 24 hours per day, and shall have a remote alarm system that continuously monitors plant operations. The docket holder installed remote alarm systems as part of the WWTP modifications approved in Docket No. D-2004-28 CP-1. (SPW)

The docket holder's existing/modified wastewater treatment facility has prepared an emergency management plan (EMP) suitable to Commission standards as part of the amended Application and shall implement it accordingly. (SPW)

The project facilities are located within the flood fringe portion of the 100-year floodplain. The upgrades proposed as part of this docket include "floodproofing" the existing WWTP in accordance with the Commission's *Flood Plain Regulations* (*FPR*).

Wasted sludge will continue to be hauled off-site by a licensed hauler for disposal at a (State-approved) facility.

c. Water Withdrawals. The potable water supply in the project service area is supplied by the City of Port Jervis's intake on Sparrow Bush Creek. The City of Port Jervis was informed that an application is necessary for this withdrawal. An application is expected to be received by DRBC shortly.

d. SPDES Permit / DRBC Docket. SPDES Permit No. NY0026522 was approved by the NYSDEC on April 16, 2007 and includes final effluent limitations for the project discharge of 2.5 mgd to surface waters classified by the NYSDEC as a Class B stream. Renewal of the SPDES Permit is expected shortly. The following average monthly effluent limits are among those listed in the SPDES Permit and meet or are more stringent than the effluent requirements of the DRBC.

EFFLUENT TABLEs A-1 and A-2 reflect the current effluent limits and those expected in the renewed SPDES Permit for the existing WWTP. The limits as described below shall remain in effect until 60 days after the completion of the upgrades and modifications proposed in this docket or September 30, 2019, whichever occurs first.

EFFLUENT TABLE A-1: DRBC Parameters Included in SPDES Permit

OUTFALL 001 (WWTP)		
PARAMETER	**LIMIT**	**MONITORING**
pH (Standard Units)	6 to 9 at all times	As required by SPDES Permit
Total Suspended Solids	30 mg/l	As required by SPDES Permit
Dissolved Oxygen	7.0 mg/l (minimum at all times)	As required by SPDES Permit
BOD (5-Day at 20^{o} C)	30 mg/l (85% minimum removal*)	As required by SPDES Permit
Fecal Coliform	200 colonies per 100 ml as a geo. avg.	As required by SPDES Permit
Ammonia Nitrogen	Monitor & Report	As required by SPDES Permit

OUTFALL 001 (WWTP)		
PARAMETER	**LIMIT**	**MONITORING**
Phosphorus	Monitor & Report	As required by SPDES Permit
Nitrate & Nitrite – N	Monitor & Report	As required by SPDES Permit
Total Kjedhal Nitrogen	Monitor & Report	As required by SPDES Permit

* DRBC Requirement

EFFLUENT TABLE A-2: DRBC Parameters Not Included in SPDES Permit

OUTFALL 001 (WWTP)		
PARAMETER	**LIMIT**	**MONITORING**
Total Dissolved Solids *	1,000 mg/l *	One Per Quarter **

* DRBC Requirement

** See Condition II.w.

EFFLUENT TABLEs A-3 and A-4 reflect the effluent limits that shall take effect 60 days after the completion of construction of the modifications and upgrades proposed in this docket or September 30, 2019, whichever occurs first. The effluent limits in the two tables below are required to prevent a measurable change to EWQ for the upgraded WWTP within the Neversink watershed at the Neversink River Boundary Control Point (BCP), located near the confluence of the Neversink and Delaware Rivers as described in the BACKGROUND and FINDINGS Sections of this docket [See Table 1 - Part C of Section 3.10.3.A.2.g. of the Commission's *WQR* for existing water quality datum]. The requirements in EFFLUENT TABLE A-3 are expected to appear in NYSDEC's renewed SPDES Permit. Furthermore, the DRBC has requested that the effluent limits found in EFFLUENT TABLE A-4 also be included in the renewed SPDES Permit.

EFFLUENT TABLE A-3: DRBC Parameters Included in SPDES Permit

OUTFALL 001 (WWTP)		
PARAMETER	**LIMIT**	**MONITORING**
pH (Standard Units)	6 to 9 at all times	As required by SPDES Permit
Total Suspended Solids	30 mg/l 364.3 lbs/day**	As required by SPDES Permit
Dissolved Oxygen	7.0 mg/l (minimum at all times)	As required by SPDES Permit
CBOD (5-Day at 20^{o} C)	30 mg/l (85% minimum removal*) 226.4 lbs/day*,**	As required by SPDES Permit
Ammonia Nitrogen (5/1-9/30) (10/1-4/30)	98 lbs/day*,** 147 lbs/day*	As required by SPDES Permit
Fecal Coliform	50 colonies per 100 ml as a geo. avg. *	As required by SPDES Permit

* DRBC Requirement

** The DRBC will restrict loadings to the receiving stream to meet NMC requirements at the Neversink River BCP and not concentrations for these parameters. For your information, the corresponding concentrations associated with the loadings at the full permitted discharge flow of 2.5 mgd are as follows:

PARAMETER	CONCENTRATION
Total Suspended Solids	17.5 mg/l
CBOD (5-Day at 20^{o} C)	11 mg/l
Ammonia Nitrogen	4.7 mg/l

EFFLUENT TABLE A-4: DRBC Parameters Not Included in SPDES Permit

OUTFALL 001 (WWTP)		
PARAMETER	**LIMIT**	**MONITORING**
Phosphorus *	52.5 lbs/day *,***	Monthly *
Nitrate & Nitrite – N * (5/1-9/30) (10/1-4/30)	101 lbs/day *,*** 151.5 lbs/day*	Monthly *
Total Kjedhal Nitrogen* (5/1-9/30) (10/1-4/30)	144.5 lbs/day*,*** 216.75lbs/day*	Monthly *
Total Dissolved Solids *	1,000 mg/l *	Quarterly **

* DRBC Requirement

** See DECISION Condition II.w.

*** The DRBC will restrict loadings to the receiving stream to meet no measurable change requirements at the Neversink River BCP and not concentrations for these parameters. For your information, the corresponding concentrations associated with the loadings at the full permitted discharge flow of 2.5 mgd are as follows:

PARAMETER	CONCENTRATION
Nitrate & Nitrite – N	4.8 mg/l
Total Kjedhal Nitrogen	6.9 mg/l
Phosphorus*	2.5 mg/l

e. **Cost**. The overall cost of the proposed upgrades is estimated to be $18,709,135.

f. **Relationship to the Comprehensive Plan**. The existing Port Jervis WWTP was included in the Comprehensive Plan by Resolution 62-14, Addendum #1 on July 25, 1962. Approval of Docket No. D-2004-28 CP-1 on October 27, 2004 continued the WWTP in the Comprehensive Plan. Issuance of this docket will continue the approval of the Port Jervis WWTP in the Comprehensive Plan (See DECISION Condition I.c.).

B. BACKGROUND

In 1992, the DRBC adopted SPW requirements, as part of the DRBC *WQR*, designed to protect existing high water quality in applicable areas of the Delaware River Basin. One hundred twenty miles of the Delaware River from Hancock, New York downstream to the Delaware Water Gap has been classified by the DRBC as SPW. This stretch includes the sections of the river federally designated as "Wild and Scenic" in 1978 -- the Upper Delaware Scenic and Recreational River and the Delaware Water Gap National Recreation Area -- as well as an eight-mile reach between Milrift and Milford, Pennsylvania which is not federally designated. The SPW regulations apply to this 120-mile stretch of the river and its drainage area.

On July 16, 2008, the DRBC approved amendments to its *WQR* that provide increased protection for waters that the Commission classifies as SPW. The portion of the Delaware River and its tributaries within the boundary of the Lower Delaware River Management Plan Area was approved for SPW designation and clarity on definitions and terms were updated for the entire program.

Section 3.10.3.A.2.d.8) of the Commission's *WQR* requires that new wastewater treatment facilities and existing wastewater treatment facilities that are proposing substantial alterations and additions demonstrate "….that the project will cause no measurable change to Existing Water Quality…" Section 3.10.3.A.2.d.9) of the *WQR* states that "For wastewater treatment facility projects subject to the NMC requirement, the demonstration of NMC to EWQ shall be satisfied if the applicant demonstrates that the new or incremental increase in the facility's flow or load will cause NMC at the relevant water quality control point for the parameters denoted by asterisks in Tables 1 and 2 of this section: ammonia (NH_3 N); dissolved oxygen (DO); fecal Coliform (FC); nitrate (NO_3 N) or nitrite + nitrate (NO_2 N+ NO_3 N); total nitrogen (TN) or Kjeldahl nitrogen (TKN); total phosphorous (TP); total suspended solids (TSS); and biological oxygen demand (BOD) (Table 1 only)."

Docket No. D-2004-28 CP-1 stated "Compliance with the SPW requirements of no measurable change at the Boundary and Interstate SPW Control Points, as well as, the rest of the SPW requirements will need to be demonstrated at the time of SPDES renewal." Section 3.10.3A.2.a.4) of the Commission's *WQR* defines "Measurable Change" as "an actual or estimated change in a seasonal or non-seasonal mean (for SPW waters upstream of and including River Mile 209.5) or median (for SPW waters downstream of River Mile 209.5) in-stream pollutant concentration that is outside the range of the two-tailed upper and lower 95 percent confidence intervals that define existing water quality."

EWQ is defined as the actual concentration of a water constituent at an in-stream site or sites, as determined through field measurements and laboratory analysis of data collected over a time period determined by the Commission to adequately reflect the natural range of the hydraulic and climatologic factors which affect water quality. EWQ is described in terms of:

(a) an annual or seasonal mean of the available water quality data,
(b) two-tailed upper and lower 95 percent confidence limits around the mean, and
(c) the 10^{th} and 90^{th} percentiles of the data set from which the mean was calculated.

The determination of NMC is based on a comparison of historical water quality observations at the Neversink BCP with the modeled (predicted) EWQ at the Neversink BCP. Historical water quality observations were used by Commission staff to define EWQ for the BCP, and were derived from EPA Storet (NYSDEC, USGS, etc.) data prior to 1993. The EWQ that is protected at the BCP is that which existed at the time of SPW classification in 1992 (1992-EWQ).

In 2009 Commission staff completed a water quality model, using the USEPA's QUAL2K platform, for the Neversink River Watershed after compiling data for the eight parameters (NH_3 N, DO, FC, NO_2 N + NO_3 N, TKN, TP, TSS, and BOD) necessary to define 1992-EWQ. The 2009 Neversink River Water Quality Model (2009 NR-WQM) was used to analyze the impact to 1992-EWQ at the BCP from the then proposed 0.024 mgd Heiden Road WWTP.

The 2009 NR-WQM's domain included the watershed downstream of the Neversink Reservoir. The 2009 NR-WQM was calibrated using in-stream water quality data sets from pre-1993 and current watershed-wide WWTP discharge information available from the discharge monitoring reports (DMRs). The model assumed that all existing WWTPs will eventually discharge at their full permitted (or docketed) design flows and loads. In addition it also assumes that all new or expanding WWTPs will discharge at their proposed design flow and loads. For those contaminants for which there was no discharge information, typical effluent data was used from facilities in similar watersheds. The 2009 NR-WQM included data from fourteen (14) existing WWTPs whose facility name and size are listed below in Table B-1. Where DMR values did not exist for certain parameters, Best Professional Judgment (BPJ) was used for data from similar facilities to derive typical effluent concentrations. Rate constants for nitrification, oxidation, hydrolysis, and denitrification were selected from the QUAL2K user manual recommendations and the EPA Technical Guidance for Developing TMDLs.

Table B-1

FACILITY	NYSDEC PERMITTED DISCHARGE (MGD)	SPDES Permit No.	DRBC Docket No.
Kiamesha Lake	2.0	NY0030724	D-1989-011 CP-1
Camp Ohr Shalom *	0.07	NY0271179	---
Davos in the Woods *	0.25	NY0218987	---
Mountain Hill Cottages	0.014	NY0096067	D-2005-002-1
Emerald Green	0.41	NY0035645	D-1995-016 CP-1
Dragon Spring Budhist Inc.	0.011	NY0274089	D-2007-021-1
Otisville Federal Correction Institute	0.5	NY0037397	D-1994-011 CP-1
Monticello	3.1	NY0022454	D-1981-038 CP-1
Woodridge	0.79	NY0023493	---
Melody Lake *	0.038	NY0030708	---
Port Jervis	2.5	NY0026522	D-2004-028 CP-1
Loch Sheldrake **	0.7	NY0145696	D-1985-074 CP-2
South Fallsburg **	3.26	NY0024520	D-1967-069 CP-2
FACILITY	NYSDEC PERMITTED DISCHARGE (MGD)	SPDES Permit No.	DRBC Docket No.
Beaver Lake Estates	0.035	NY0145734	D-2009-038 CP-1
Gemstar	0.024	NY0272892	D-2009-018 CP-1

* Application Request Letter Sent

** Indicates Active Project Applications with the Commission

In addition to the 14 facilities listed above with active SPDES permits/DRBC dockets, Commission staff also received **notice or applications** (either from the NYSDEC, the project sponsor and/or from Town Planning boards) for 7 new wastewater treatment projects and 3 expansions of existing wastewater treatment projects planned for the Neversink watershed. Four of the ten wastewater treatment facilities have yet to apply to the Commission for formal review/approval in accordance with Section 3.8 of the Compact, but have been formally contacted by the Commission staff and informed that the projects are to be reviewed by the Commission.

In order to determine compliance with the NMC requirement, Commission staff used the 2009 NR-WQM to evaluate several discharge scenarios. These scenarios included all 14 SPDES permitted dischargers with permitted flows equal to or greater than (≥) 10,000 gpd within the NR-WQM domain, the Heiden Road WWTP, and the discharge of the 10 proposed new or expanding WWTPs.

The model was used to predict in-stream concentrations of BOD_5, TSS, Total Phosphorous (TP), Nitrite-Nitrate Nitrogen (NO_2 N + NO_3 N), Ammonia Nitrogen (NH_3 N), Total Kjedhal Nitrogen (TKN) and Dissolved Oxygen (DO) under different discharge scenarios for the Heiden Road WWTP.

C. FINDINGS

The purpose of this docket is to renew approval of the existing 2.5 mgd Port Jervis WWTP discharge and to approve upgrades to the WWTP that are designed to satisfy the DRBC's NMC to EWQ requirement for WWTPs in SPW that undergo substantial alterations or additions. Upgrades include modifications to the existing trickling filters, rehabilitation of the secondary settling tanks, and construction of a denitrification filter system as well as an intermediary pump station. The docket holder is currently performing an evaluation to determine the potential benefits to the WWTP should construction of a sludge dewatering system be performed. Lastly, the docket holder will also be performing "floodproofing" improvements on the entire WWTP and will either upgrade/raise the chlorine contact tanks or construct a new ultraviolet disinfection system.

In conjunction with the first phase of the project, the overall upgrade represents substantial alterations or additions as defined in Section 3.10.3A.2.a.16) of the Commission's *WQR*.

Commission staff has updated the 2009 NR-WQM to reflect data collected since the Heiden Road WWTP approval on October 22, 2009 including data on twelve WWTPs not previously included in the model domain (See Table C-1), but have existing SPDES Permits and discharge to the Neversink watershed. Commission staff also established the grandfathered load for each existing facility (based on 1992 discharges). As such, the 2009 NR-WQM was recalibrated with said data. The Heiden Road WWTP and Beaver Lake Estates WWTP (approved March 3, 2010) were incorporated as existing facilities for the purpose of establishing effluent limits for other in-house facilities (Monticello, Deb-El, South Fallsburg, and Loch

Sheldrake). The updated model used to analyze the Port Jervis WWTP modification is referenced as the August 2010 NR-WQM.

Table C-1

FACILITY	NYSDEC PERMITTED DISCHARGE (MGD)	SPDES Permit No.
Jened Recreation	0.036	NY0030562
Kutcher's Country	0.2	NY0033600
Glen Wild Hotel	0.013	NY0095877
Nachlas Enunah Bu	0.0513	NY0148164
Yellow Park Apartments	0.0062	NY0148211
Kiamesha Artesian	0.0012	NY0166090
Dillon Farms	0.002	NY0214507
Old Homestead	0.0045	NY0219576
Kutcher's Sports	0.0325	NY0249939
Huguenot Camp	0.0202	NY0250058
Victoria Colony	0.0056	NY0250813
Kyprianou	0.0008	NY0259250

In order to determine the net potential impacts to the 1992-EWQ at the BCP as a result of the in-house facility discharges, the Commission staff first used the August 2010 NR-WQM to establish grandfathered loadings for all facilities in Tables B-1 and C-1 that were in existence in 1992 (See Table C-2). Commission staff then analyzed each facility as it is permitted to discharge today and calculated the equal effluent concentrations (EEC) required for the non-grandfathered load of each facility to establish effluent limits for each parameter (see Table C-3).

Table C-2: August 2010 NR-WQM Existing/Grandfathered Results

Model Run	**BOD5 (mg/l)**	**TSS (mg/l)**	**Total P (ug/l)**	**Nitrate – Nitrite N (ug/l)**	**TKN (ug/l)**	**Ammonia – N (ug/l)**	**D.O. (mg/l)**
Mean	1.27	5.5	99	385	378	71	9.18
95% C.L. (EWQ Target)	1.5	6.3	138	433	451	91	8.91
1992 Grandfathered Condition for facilities in Tables B-2 and C-1	1.09	1.27	87	381	378	71	9.17

Table C-3: EEC

	BOD5 (mg/l)	**TSS (mg/l)**	**Total P (mg/l)**	**Nitrate – Nitrite N (mg/l)**	**TKN (mg/l)**	**Ammonia – N (mg/l)**
EEC	13.5	30	1.3	1.9	3.8	1.7

The Port Jervis WWTP's grandfathered loads are located in Table C-4 below. The effluent limits located in EFFLUENT TABLEs A-3 and A-4 above are derived from the

weighted average of the grandfathered loads (where flow is 1.6 mgd) and those located in table C-3 (for the difference in requested flow of 0.9 mgd). As the WWTP reaches its expected flow it will need to produce effluent concentrations equivalent to or less than those indicated under EFFLUENT TABLEs A-3 and A-4 above (under ** and ***, respectively) in order for the docket holder to meet its corresponding load.

Table C-4: Port Jervis's Grandfathered Loads

	FLOW (mgd)	**$CBOD_5$ (lbs/day)**	**TSS (lbs/day)**	**Total P (lbs/day)**	**Nitrate – N (lbs/day)**	**TKN (lbs/day)**	**Ammonia – N (lbs/day)**
Load	1.6	125*	139**	42.7***	86.5****	116**	85**

* Loadings as reported in November 16, 2010 Letter from NYCDEP to the DRBC
** Loadings as reported in October 5, 2009 Letter from NYCDEP to the DRBC
*** Loadings as reported in June 2, 2006 Report Prepared by Quantitative Environmental Analysis, LLC (QEA)
**** Assumed Loading established from Model Development by Commission Staff

The effluent limits found in the Effluent Tables in Section A of this docket are required of the project WWTP to prevent a measurable change to EWQ after all 27 wastewater treatment facilities with active SPDES permit/DRBC dockets, all in-house projects, and the three expected projects in the near future are taken into account.

The nearest surface water intake of record for public water supply downstream of the project discharge is operated by the City of Easton, approximately 60.4 miles downstream.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

The limits in the SPDES Permit are in compliance with Commission effluent quality requirements, where applicable.

The project is designed to produce a discharge meeting the effluent requirements as set forth in the Commission's *WQR*.

C. DECISION

I. Effective on the approval date for Docket No. D-2004-028 CP-2 below:

a. The project described in Docket No. D-2004-28 CP-1 is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-2004-028 CP-2; and

b. Docket No. D-2004-28 CP-1 is terminated and replaced by Docket No. D-2004-028 CP-2; and

c. The project and the appurtenant facilities described in Section A "Physical Features" of this docket shall be added to the Comprehensive Plan.

II. The project and appurtenant facilities as described in Section A "Physical Features" of this docket are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the NYSDEC in its SPDES Permit, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission's.

b. The facility and operational records shall be available at all times for inspection by the DRBC.

c. The facility shall be operated at all times to comply with the requirements of the Commission's *WQR*.

d. The docket holder shall comply with the requirements contained in the Effluent Table(s) in Section A.4.d. of this docket. The docket holder shall submit the required monitoring results directly to the DRBC Project Review Section. The monitoring results shall be submitted annually, absent any observed limit violations, by January 31. If a DRBC effluent limit is violated, the docket holder shall submit the result(s) to the DRBC within 30 days of the violation(s) and provide a written explanation that states the action(s) the docket holder has taken to correct the violation(s) and protect against any future violations.

e. Except as otherwise authorized by this docket, if the docket holder seeks relief from any limitation based upon a DRBC water quality standard or minimum treatment requirement, the docket holder shall apply for approval from the Executive Director or for a docket revision in accordance with Section 3.8 of the *Compact* and the *Rules of Practice and Procedure*.

f. If at any time the receiving treatment plant proves unable to produce an effluent that is consistent with the requirements of this docket approval, no further connections shall be permitted until the deficiency is remedied.

g. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

h. The discharge of wastewater shall not increase the ambient temperatures of the receiving waters by more than 5°F, nor shall such discharge result in stream temperatures exceeding 87°F.

i. Sound practices of excavation, backfill and reseeding shall be followed to minimize erosion and deposition of sediment in streams.

j. Within 10 days of the date that construction of the project has started, the docket holder shall notify the DRBC of the starting date and scheduled completion date.

k. Within 30 days of completion of construction of the approved project, the docket holder is to submit to the attention of the Project Review Section of DRBC a Construction Completion Statement ("Statement") signed by the docket holder's professional engineer responsible for the project. The Statement must (a) either confirm that construction has been completed in a manner consistent with any and all DRBC-approved plans or explain how the as-built project deviates from such plans; (b) report the project's final construction cost as such cost is defined by the project review fee schedule in effect at the time application was made; and (c) indicate the date on which the project was (or is to be) placed in operation. In the event that the final project cost exceeds the estimated cost used by the applicant to calculate the DRBC project review fee, the statement must also include (d) the amount of any outstanding balance owed for DRBC review. Such outstanding balance will equal the difference between the fee paid to the Commission and the fee calculated on the basis of the project's final cost, using the formula and definition of "project cost" set forth in the DRBC's project review fee schedule in effect at the time application was made.

l. Upgrades to the WWTP must be completed by July 31, 2019 to comply with the Commission's NMC to EWQ requirement for WWTPs that undergo substantial alterations or additions.

m. The approval to modify and upgrade the existing WWTP shall expire on July 31, 2019 unless prior thereto the docket holder has completed the upgrades and modifications and started operation of the modified WWTP, or the docket is administratively continued or included in a renewal docket issued by the Commission. The upgraded and modified WWTP shall be required to meet the effluent limits located in EFFLUENT TABLEs A-3 and A-4 above within 60 days of the completion of the upgrades and modifications. If the construction of upgrades and modifications to the WWTP has commenced prior to the expiration of this docket, but the construction has not been completed, the SPW effluent limits included in EFFLUENT TABLEs A-3 and A-4 above will continue in any subsequent docket renewal until the docket holder proposes "substantial alterations or additions" as defined in Section 3.10.3A.2.a.16) of the Commission's WQR.

n. The docket holder is permitted to treat and discharge wastewaters as set forth in the Area Served Section of this docket, which incorporates by reference Sections B (Type of Discharge) and D (Service Area) of the docket holder's Application to the extent consistent with all other conditions of this DECISION Section.

o. The docket holder shall make wastewater discharge in such a manner as to avoid injury or damage to fish, wildlife, and/or other aquatic life and shall avoid any injury to public or private property.

p. No sewer service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).

q. Nothing in this docket approval shall be construed as limiting the authority of DRBC to adopt and apply charges or other fees to this discharge or project.

r. The issuance of this docket approval shall not create any private or proprietary rights in the waters of the Basin, and the Commission reserves the right to amend, suspend or rescind the docket for cause, in order to ensure proper control, use and management of the water resources of the Basin.

s. Prior to allowing connections from any new service areas or any new developments, the docket holder shall either submit and have approved by the Executive Director of the DRBC a NPSPCP in accordance with Section 3.10.3.A.2.e, or receive written confirmation from the Executive Director of the DRBC that the new service area is in compliance with a DRBC approved NPSPCP.

t. Unless an extension is requested and approved by the Commission in advance, in accordance with paragraph 11 of the Commission's Project Review Fee schedule (Resolution No. 2009-2), the docket holder is responsible for timely submittal of a docket renewal application on the appropriate DRBC application form at least 12 months in advance of the docket expiration date set forth below. The docket holder will be subject to late charges in the event of untimely submittal of its renewal application, whether or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below (or the later date established by an extension that has been timely requested and approved), the terms and conditions of the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

u. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

v. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the Rules of Practice and Procedure. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

w. The docket holder may request of the Executive Director in writing the substitution of specific conductance for TDS. The request should include information that supports the effluent specific correlation between TDS and specific conductance. Upon review, the Executive Director may modify the docket to allow the substitution of specific conductance for TDS monitoring.

x. The docket holder is prohibited from treating/pre-treating any hydraulic fracturing wastewater from sources in or out of the Basin at this time. Should the docket holder wish to treat/pre-treat hydraulic fracturing wastewater in the future, the docket holder will need to first apply to the Commission to renew this docket and be issued a revised docket allowing such treatment and an expanded service area. Failure to obtain this approval prior to treatment/pre-treatment will result in action by the Commission.

BY THE COMMISSION

DATE APPROVED: **December 5, 2012**

EXPIRATION DATE: **December 5, 2019**